

## **REMARKS**

### **Restriction Requirement**

The March 5, 2006 Office Action requests election of one of the following groups of claims under 35 U.S.C. 121:

Group I (Claims 1-15 and 29) drawn to gasket admixtures;

Group II (Claim 16) drawn to a method of making a gasket admixture; and

Group III (Claims 17-28) drawn to a fuel cell.

### **Traverse**

Applicant respectfully submits that the Examiner has not established sufficient distinction between the groups of claims to support the restriction. In particular, the method of Group II requires use of the materials recited in Claim 1 of Group I. The Examiner has not established how admixture of these materials in Claim 16 of Group II, can lead to a gasket other than that of Claim 1. Contrary to the Examiner's assertion, the method of Claim 16 requires inclusion of an inert particulate - as is also required in Claim 1.

Furthermore, the Examiner has not established why separate searches would be required for each group of claims. While the subject matter may be classified differently, given the similarity of subject matter, Applicant submits that relevant art could be found in all of the classes cited by the Examiner and, therefore, should be searched. Applicant submits that such searching would not present an undue burden on the Examiner.

### **Election**

Applicant elects Group I (Claims 1-15 and 29).

### **Election of Species Requirement**

The March 5, 2006 Office Action further requires a single disclosed species from the following:

Species I: the gasket admixture containing a specific inert particulate; and

Species II: the gasket admixture not containing the inert particulate.

**Election of Species**


Applicant elects the gaskets of Species I, containing inert particulates. Applicant notes, however, that Claim 29 of Group I is generic to both species as Claim 29 does not require, but does permit, such materials. Applicant thus traverses the election requirement.

**Conclusion**

Applicant submits that a complete and responsive reply to the election of species has been made and that all pending claims are patentable. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: April 5, 2007

By:   
David L. Suter, Reg. No. 30,692

Harness, Dickey & Pierce, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

**CORRESPONDENCE ADDRESS:**

Customer Number 29293  
Freudenberg-NOK General Partnership  
Legal Department  
47690 East Anchor Court  
Plymouth, MI 48170-2455  
Direct Line: (734) 354-5445  
Facsimile: (734) 451-1445